

PTA Request  
US Patent No. 7,875,605  
Filed March 25, 2011

Certification under 37 C.F.R. 1.8b

I hereby certify that this paper (along with any paper referred to as being associated herewith) is being filed via the USPTO electronic filing system with the U.S. Patent and Trademark Office on March 25, 2011.

  
Valerie Neymeyer-Tynkov

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : RAMAKRISHNA, Venkata Satya Nirogi et al.  
U.S. Patent No. : 7,875,605  
U.S. Appl. No. : 10/536,618  
Filed : May 26, 2005  
Title : N-arylsulfonyl-3-Substituted Indoles Having Serotonin Receptor Affinity, Process for Their Preparation and Pharmaceutical Composition Containing Them  
Grp. Art Unit : 1624  
Examiner : Ebenezer Sackey  
Atty. Docket No. : SUB 0006 US  
Confirmation No. : 9138

**Mail Stop Petitions**

Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT REQUESTING RECONSIDERATION OF THE "B DELAY"  
PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR 1.705(d)**

Reconsideration of the Patent Term Adjustment (PTA) calculation based on the three-year pendency provision of 35 U.S.C. 154(b)(1)(B) is requested. This request is proper and timely at least because the PTA reported in the Notice of Allowance issued in US Patent Number 7,875,605 was revised when published on the face of the Patent. This Request is timely filed within 2 months of issue of US 7,875,605 under 37 CFR 1.705(d), and believed to comply with relevant provisions of US law.

A fee in the amount of \$200 is tendered herewith, as provided under 37 CFR 1.18(e). In the event that further fees are deemed as due in this application, or overpayment is to be received, the Director is authorized to charge or credit Deposit Account No. 50-3993.

**STATEMENT OF FACTS in keeping with 37 CFR 1.705(b)(2)**

- i. The current B Delay PTA calculation for this patent is 969 days. The correct B Delay PTA calculation should be 972 or 974 days. Three (3) or five (5) additional days should be added to the current B Delay PTA calculation for this patent based on the three-year pendency provision of 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), on the basis that the Commencement Date of this application should be May 26 or 28, 2005, not May 31, 2005.

- ii. Relevant dates under 37 CFR 1.703(b) for which this B Delay adjustment is sought are the current Commencement Date of this application (May 31, 2005), and earlier Commencement Dates (May 26 or 28, 2005). Adjustment under 37 CFR 1.703(f) is requested in the event the USPTO finds these additional B Delay days do not overlap with other PTA days.
- iii. The above patent is not subject to a terminal disclaimer.
- iv. Circumstances during prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 CFR 1.704 are not believed to be relevant to the change in Commencement Date requested herein, and have already been addressed in the published PTA calculation.

#### DISCUSSION

Under 35 USC 154(b)(1)(B) ("B delay"), 37 CFR 1.702(b) and 1.703(b), and related provisions, a patent term is to be adjusted for each day occurring 3 years after commencement of the national stage under 35 USC 371(b) or (f) in the US.

The following applications are relevant to the file history of US 7,875,605 and the present request:

- US 7,875,605 claims priority from Indian Application No. 884/MAS/2002, filed November 28, 2002.
- PCT Application No. PCT/IN03/00209 claims priority from Indian Application No. 884/MAS/2002, filed June 5, 2003, and designates the US.
- U.S. Application No. 10/536,618 was filed on May 26, 2005 under 35 U.S.C. 371, to complete PCT Appln. No. PCT/IN03/00209.

The USPTO identifies May 31, 2005 as the Commencement Date of the U.S. application in the present PTA calculation (see Appendix A, Number 81.4). However, when filing the US application under 35 USC 371 on May 26, 2005, the Applicant completed requirements for commencing the US national stage and provided an express request to begin national examination procedures under 35 USC 371. Also, the 30-month deadline for filing a US national stage application under 35 USC 371, based on PCT/IN03/00209, is May 28, 2005. As discussed further below, the Commencement Date of this Patent should be adjusted to May 26 or May 28, 2005, and B Delay recalculated accordingly.

The Commencement Date of US 7,875,605 should be May 26, 2005. Under 35 USC 371(f), "At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with." Documents necessary to commence the national stage in the United States were filed with the USPTO on May 26, 2005, with an express request to begin national examination procedures under 35 U.S.C. 371(f). See Appendix B, Box 3. The applicable requirements of 35 USC 371(c) were complied with in the context of commencement of the application on May 26, 2005; while the 371(c) completion date accorded to the Patent is April 11, 2006, only the lack of a signed Declaration precluded earlier entry of the application under 371(c). The signed Declaration was not necessary for commencement of the application under 35 USC 371, or for accordance of a

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Commencement Date. At least in view of the foregoing comments, Applicant respectfully submits that for the purposes of the present B Delay calculation, the Commencement Date should be May 26, 2005.

In the alternative, the Commencement Date of US 7,875,605 should be May 28, 2005. Under 35 USC 371(b), PCT Article 22(1), et al., PCT applications should be filed and fees paid to the designated national office within 30 months of the earliest priority date. May 28, 2005 is the calendar date occurring 30 months after the filing of the above Indian application on November 28, 2002. However, May 28, 2005 fell on a Saturday. The USPTO was closed on Saturday May 28, Sunday May 29 and Monday May 30, 2005 (2 weekend days and Memorial Day, a national holiday). The USPTO therefore accorded a Commencement Date of May 31, 2005 to the application, as the latest possible date on which commencement of the national stage of PCT Appln. No. PCT/IN03/00209 could begin under 35 USC 371.

While this extension of the 30 month date from May 28, 2005 to May 31, 2005 and automatic accordance of such as the Commencement Date may provide favorable and welcome treatment to applicants filing under 35 USC 371, in the present Patent the extension works against the calculation of B Delay PTA. If the Commencement Date of US 7,875,605 is May 28, 2005, then the calculation of B Delay PTA for US 7,875,605 will be 3 days longer than that currently indicated in the published PTA calculation.

Under PCT Article 27(4), an applicant may request that requirements provided under the PCT be applied to his international application, where national law may otherwise be favorable over the PCT. Applicant hereby requests that for the purposes of the present B Delay PTA calculation, the Commencement Date of US 7,875,605 be considered as May 28, 2005 (the 30 month date of the PCT application). In the alternative and preferably, Applicant requests the Commencement Date be changed to May 26, 2005 (the date Applicant filed a copy of the PCT application with required fees with the US Patent Office).

Reconsideration of the B Delay PTA calculation of this patent is requested in view of the above comments. In the event that the USPTO finds that the increased B Delay increases the overall PTA calculation published on the face of US 7,875,605, correction of the PTA published on US 7,875,605 is also requested.

If any change to the B Delay or overall PTA calculation is to be made in US 7,875,605, or if any further information may be helpful in this regard, the undersigned representative requests contact by telephone to discuss further.

Respectfully submitted,

  
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Valerie Neymeyer-Tynkov (Reg. No. 46956)  
Attorney for Applicants  
IpHorgan Ltd.  
1130 Lake Cook Road, Suite 240  
Buffalo Grove, IL 60089  
Tel: 847-808-5500  
Fax: 847-808-7238  
Email: [mail@iphorgan.net](mailto:mail@iphorgan.net)

March 25, 2011  
Date

## **APPENDIX A**

**Patent Term Adjustment (PTA) for Application Number 10/536,618**

10/536,618	N-ARYLSULFONYL-3-SUBSTITUTED INDOLES HAVING SEROTONIN RECEPTOR AFFINITY, PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL COMPOSITION CONTAINING THEM	03-25-2011::13:05:15
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/536,618

Filing or 371(c) Date:	04-11-2006	Overlapping Days Between {A and B} or {A and C}:	422
Issue Date of Patent:	01-25-2011	Non-Overlapping USPTO Delays:	1324
A Delays:	777	PTO Manual Adjustments:	0
B Delays:	969	Applicant Delays:	39
C Delays:	0	Total PTA Adjustments:	1285

### Patent Term Adjustment History      Explanation Of Calculations

Number	Date	Contents Description	PTO(Days)	APPL(Days)	Start
81.5	01-25-2011	PTA 36 Months	969		81.4
81.4	05-31-2005	Commencement Date			0
81	01-25-2011	Patent Issue Date Used in PTA Calculation			0
80	12-31-2010	Export to Final Data Capture			0
79	12-30-2010	Finished Initial Data Capture			0
78	12-30-2010	Dispatch to FDC			0
77	12-17-2010	Application Is Considered Ready for Issue			0
76	12-09-2010	Issue Fee Payment Verified			0
75	12-09-2010	Issue Fee Payment Received			0
74	10-11-2010	Export to Initial Data Capture			0
71	10-06-2010	Mail Notice of Allowance			0
70	10-05-2010	Document Verification			0
69	10-05-2010	Issue Revision Completed			0
68	10-05-2010	Notice of Allowance Data Verification Completed			0
67	10-01-2010	Examiner's Amendment Communication			0
66	09-30-2010	Examiner's Amendment Communication			0
65	09-29-2010	Miscellaneous Incoming Letter			0
64	09-30-2010	Allowability Notice			0
60	09-03-2010	Information Disclosure Statement considered			0
56	09-10-2010	Date Forwarded to Examiner			0
55	09-03-2010	Supplemental Response	39		49
54	09-03-2010	Miscellaneous Incoming Letter			0
53	09-03-2010	Reference capture on IDS			0
52	09-03-2010	Information Disclosure Statement (IDS) Filed			0
51	09-03-2010	Information Disclosure Statement (IDS) Filed			0
50	07-28-2010	Date Forwarded to Examiner			0
49	07-26-2010	Response after Non-Final Action			0
48	04-26-2010	Mail Non-Final Rejection	119		39
47	04-12-2010	Non-Final Rejection			0
43	11-14-2008	Information Disclosure Statement considered			0

41	03-24-2010 Case Docketed to Examiner in GAU	0
40	02-19-2010 Date Forwarded to Examiner	0
39	08-28-2009 Fee Payment Recorded (fees filed separately e.g. not with original papers, etc).	0
37	07-29-2009 Mail Notice of Required Fees Due	0
36	07-28-2009 Fee (additional) Due Notice	0
35	07-28-2009 Date Forwarded to Examiner	0
34	05-29-2009 Response to Election / Restriction Filed	0
33	05-29-2009 Request for Extension of Time - Granted	0
32	11-14-2008 Reference capture on IDS	0
31	11-14-2008 Information Disclosure Statement (IDS) Filed	0
30	03-30-2009 Mail Restriction Requirement	658
29	03-26-2009 Restriction/Election Requirement	0
27	02-04-2009 Case Docketed to Examiner in GAU	0
26	11-14-2008 Information Disclosure Statement (IDS) Filed	0
25	09-18-2007 Case Docketed to Examiner in GAU	0
24	09-12-2007 Correspondence Address Change	0
23	09-12-2007 Change in Power of Attorney (May Include Associate POA)	0
22	08-01-2007 Change in Power of Attorney (May Include Associate POA)	0
21	11-07-2006 Case Docketed to Examiner in GAU	0
20	08-04-2006 IFW TSS Processing by Tech Center Complete	0
17	07-18-2006 Case Docketed to Examiner in GAU	0
16	04-11-2006 371 Completion Date	0
15	06-30-2006 Application Return from OIPE	0
14	06-30-2006 Application Return TO OIPE	0
12	06-30-2006 Application Return from OIPE	0
11	07-03-2006 Notice of DO/EO Acceptance Mailed	0
10	06-30-2006 Application Return TO OIPE	0
8	06-30-2006 Application Dispatched from OIPE	0
7	06-30-2006 Notice of DO/EO Acceptance Mailed	0
6	04-11-2006 Additional Application Filing Fees	0
5	A statement by one or more inventors 04-11-2006 satisfying the requirement under 35 USC 115, Oath of the Applic	0
0.5	06-05-2003 International Filing date	0

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## **APPENDIX B**

**Transmittal Letter submitted under 35 U.S.C. 371 when filing U.S. Appln. No. 10/536,618**

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S TRICKEY NUMBER</b> <b>6007/74504</b> <b>U.S. APPLICATION NO. (known as 7 CFR 1.5)</b> <b>107536618</b>
INTERNATIONAL APPLICATION NO. <b>PCT/IN2003/000209</b>	INTERNATIONAL FILING DATE <b>5 JUNE 2003</b>	PRIORITY DATE CLAIMED <b>28 NOVEMBER 2002</b>
<b>TITLE OF INVENTION</b> <b>N-ARYLSULFONYL-3-SUBSTITUTED INDOLES HAVING SEROTONIN RECEPTOR AFFINITY, PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS</b>		
APPLICANT(S) FOR DO/EO/US <b>Venkata Satya Nitogi RAMAKRISHNA, Vikas Shreekrishna SHIRSATH, Rama Sastri KAMBHAMPATI, Venkata Satya Veerabhadra V. RAO, Venkateswarlu JASTI.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <b>(unsigned)</b></p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <b>Return Receipt Postcard; Express Mail Certificate, Label No. EV305643455US dated May 26, 2005; Comm. Concerning Declaration</b></p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.